A42c

v.77

John Carter Brown
Library
Brown University

Variant ed. Title page in
advertisement slip

0554

A

VINDICATION

OF THE

BRITISH COLONIES.

Publiſhed by

Mr. *OTIS*, at BOSTON,

In the Summer of the YEAR 1765.

Sed fugite, ô miſeri, fugite, atque ab litore funem
Rumpite !
Clamorem immenſum tollit, quo pontus et omnes
Intremuere undæ, penitúſque exterrita tellus,
Italiæ curvíſque immugiit Ætna Cavernis.
—— fluit æs rivis, aurique metallum
Vulnificúſque chalybs vaſtâ fornace liqueſcit
—— Alii ventoſis follibus auras
Accipiunt reddúntque, alii ſtridentia tingunt
Æra locu : gemit impoſitis incudibus antrum.
Illi inter ſeſe multâ vi brachia tollunt
In numerum, verſántque tenaci forcipe maſſam.

VIRGIL.

BOSTON, printed :
LONDON, re-printed for J. ALMON, oppoſite Burlington Houſe, in Piccadilly. 1769.

[Price One Shilling.]

ADVERTISEMENT.

THE following little Tract is well known at Boſton to have been written by Mr. Otis: and is now re-publiſhed, not for any Excellence in the Work, but for the Eminence of the Author.

No one, who has read that Gentleman's former Book on *the Rights of the Britiſh Colonies*, will expect either Inſtruction or Entertainment from any other of his Performances. But a very mean Writer may make a very good Evidence; and as ſuch only he is now produced. We here ſee the firſt Leader in the American Diſputes declaring the univerſal Opinion of the Colonies about the Rights of the Britiſh Parliament: And no Man can call in Queſtion ſo very unexceptionable an Authority.

Soon after the News of the Stamp Act, Mr. Hopkins, Governor of Rhode Iſland, wrote a ſmall Treatiſe on that Subject. He was anſwered by Mr. Howard, in *a Letter from a Gentleman at Halifax*. The preſent Tract is Mr. Otis's Reply to that Halifax Letter. All of them were publiſhed in the Courſe of the Summer, 1765.

Till that Time, the conſtant Language of the Coloniſts, and even the Boaſt of their Loyalty, was; *We hold ourſelves bound by all Acts of Parliament, wherein America is named.* The Reader will here find

find the fulleſt Evidence of this Fact; and will ſee this Doctrine applied to the Right of laying Taxes of all kinds, *Internal as well as External, on Lands as well as on Trade*, by this Repreſentative, and ſtanding Moderator of the Town of Boſton.

He will be pleaſed only farther to remark, that this Book was publiſhed ſome Months after the Stamp Act had been paſſed: but before the Colonies had been untaught their Obedience to Parliament, by thoſe factious Declarations made here againſt its Right.

What therefore were the Sentiments, even of the moſt ſeditious Part of the Boſtoners themſelves, *before* the making of thoſe Declarations, this Book will prove; Events ſhew what they have been *ſince*.

See pages 844. & 17, 18, 19

A VINDICATION of the *Britiſh Colonies*, againſt the Aſperſions of the *Halifax* Gentleman, in his Letter to a *Rhode-Iſland* Friend.

IT had been long expected, that ſome American pen would be drawn in ſupport of thoſe meaſures, which to all thinking men muſt appear to be very extraordinary. Thoſe who are above party, can peruſe the ſpeculations of a Whig or a Tory, a Quaker or a Jacobite, with the ſame compoſure of mind. Thoſe who confine themſelves within the bounds of moderation and decency, are ſo far reſpectable. All who grow outrageous, are diſguſtful. The head of a *tribunitian veto*, with a mob at his heels, and a grand *Aſiatic* monarch, with a ſhoal of ſycophants clinging about him, like the little wretches in the well known print of Hobbes's Leviathan, may be objects of equal diverſion, deriſion and contempt. Mankind ever were, are and will be diviſible, into the great and ſmall vulgar. Both will have their reſpective heads. The laws of nature are uniform and invariable. The ſame cauſes will produce the ſame effects, from generation to generation. He that would be a great captain, muſt for a ſeaſon exult in the honor of being a little one.

" Bred on the mountains had *proud* Julius been,
" He'd *ſhone* a *ſturdy* wreſtler on the green."

The Halifax Gentleman having diſcovered that governor *H--pk--ns* is " totally unacquainted with ſtile and diction," and yet " eagerly fond to paſs upon the world for a man of letters," great perfection might be reaſonably expected in the compoſition of the friendly epiſtle. Inſtead of this, are found inaccuracies in abundance, declamation and falſe logic without end; *verſe* is retailed in the ſhape of *proſe*, ſoleciſms are attempted to be paſſed off for good grammar, and the moſt indelicate fuſtian for the fine taſte. The whole performance is truly *Filmerian*. The picture is very well charged with ſhade and thick darkneſs, intermixed with here and there a ray of light; now and then a flaſh, and once in a while is heard a little rumbling thunder from a few diſtant broken clouds.

" Some futute bard may ſing the preſent times,
" And HE be made the hero of the ſong."

Theſe two lines are crouded together in one ſhort ſentence, in a proſaic form. (page 4.)

The gentleman (page 5.) has given us a portrait of the Engliſh nation. It contains but a dozen lines, and expreſſes or plainly implies the following wonderful group of ideas, viz. " A high pitch of glory and power, envy and admiration of ſurrounding ſlaves, holding faſt the balance of Europe, a rival in arts

and

and arms of every period ancient and modern, impatience, jealouſy, pride and folly, prodigality, particularly in laying wagers to the value of kingdoms, and a quick ſenſibility and conſciouſneſs of dignity, which renders plain ſimple truth intolerable." As the Engliſh nation expired about ſixty years ſince, in the union of the two kingdoms, 'tis needleſs to enquire whether this be a juſt character of that once brave and generous, free and loyal people: But if this ſhould be intended for a filial compliment to Great-Britain, 'tis a very indifferent one. In the late war, America joined in the ſtakes: The bet was not for the ſafety of the colonies alone; it was for the ſalvation of Great-Britain, as well as the plantations, i. e. for the whole community. Cornwall raiſes and pays one company of dragoons, Devonſhire another: Is Cornwall more obliged to Devonſhire, than Devonſhire is to Cornwall? They are both obliged by the ſtrongeſt ties of duty and loyalty, to the gracious Prince who protects and defends both: To each other they owe but love and good will.

I cannot think Mr. *H--k--s*, or any other of the writers who have the misfortune to fall under the ſore diſpleaſure of the Halifax Gentleman, ever really intended to encourage ſo groundleſs a claim as an independent, uncontroulable Provincial legiſlative. Moſt of them 'tis well known expreſly diſavow ſuch a claim. It is certain that the Parliament of Great-Britain hath

 a juſt,

a juſt, clear, equitable and conſtitutional right, power and authority, to bind the colonies, by all acts wherein they are named. Every lawyer, nay every Tyro knows this. No leſs certain is it that the Parliament of Great-Britain has a juſt and equitable right, power and authority, to *impoſe taxes on the colonies, internal and external, on lands, as well as on trade.* This is involved in the idea of a ſupreme legiſlative, or ſovereign power of a ſtate. It will however by no means from thence follow, that 'tis always expedient, and in all circumſtances equitable for the ſupreme and ſovereign legiſlative to tax the colonies, much leſs than 'tis reaſonable this right ſhould be practiſed upon without allowing the colonies an actual repreſentation. An equal repreſentation of the whole ſtate is, at leaſt in theory, of the eſſence of a perfect parliament, or ſupreme legiſlative.

There is not the leaſt color of a contradiction between the paſſages from the " rights of the colonies," cited pages 6 and 7. It muſt indeed be confeſſed and lamented, that the laſt citation involves a ſophiſm, unworthy the pen from whence it fell. But the critic with all his ſagacity has not pointed where the fallacy lies. He has reduced his Honor's argument to the form of a ſyllogiſm, which is concluſive. " The people of Great-Britain have not any ſort of power over the Americans ;" " The houſe of commons have no greater authority than the people of Great-Britain,

Britain, who are their conſtituents ;" " *ergo*, the houſe of commons have not any ſort of power over the Americans." This I take to be literally true. Yet by the following reduction, the fallacy of his Honor's argument will appear, " The common people of Great-Britain have no ſovereign abſolute authority over their fellow-ſubjects in America ;" " The houſe of commons alone have no greater authority than the common people of Great-Britain ;" " *ergo*, the Britiſh parliament, the King's Majeſty, Lords and Commons, have no ſovereign abſolute authority over the ſubjects in the colonies." Who does not ſee the fallacy of this concluſion ? The inquiry was not of the ſole and ſeparate power and authority of the houſe of commons, but of the authority of that auguſt and tranſcendent body the parliament, which is compoſed of the three branches of the grand legiſlature of the nation, conſidered as united. But all this ſhows that the laſt citation at moſt is but an implicit, and is far from an " expreſs, denial of the authority of parliament," and ſhould, by that candor that is inſeparable from a liberal mind, have been imputed to meer inadvertency.

We come now to the *rationale* of the epiſtle. " I have endeavoured (ſays the gentleman) to inveſtigate the *true natural relation*, if I *may ſo ſpeak*, between the colonies and their mother ſtate, *abſtracted* from *compact*, or *poſitive Inſtitution*." What a parade is here ? What " a ſolemnity" does " he give to his performance ?"

formance?" "If I may ſo ſpeak." Who would not think the world was about to be favored with ſome extraordinary diſcovery, too mighty for the powers and preciſion of language!

Let us attend the courſe of the bubble. "But here (adds he) I can find nothing ſatisfactory: Yet till this *relation* is clearly defined upon *rational* and *natural principles*, our *reaſoning* upon the *meaſures* of the colonies obedience, will be *deſultory* and inconcluſive." "Every connection or relation in life has its reciprocal duties; we know the relation between a parent and a child, huſband and wife, maſter and ſervant, and from thence are able to deduce their reſpective obligations." "But we have no notices of any *ſuch* preciſe natural relation between a *mother ſtate* and its colonies, and therefore cannot reaſon with ſo much certainty upon the *power* of the one, or the *duties* of the other." If, as the gentleman tells us, he could not find any thing ſatisfactory, he could only gueſs what reaſoning would follow: And I leave it to his readers to determine, whether he has not proved that he gueſſed very rightly. He has placed the relation of maſter and ſervant among what he calls natural relations. In a ſtate of nature, where all are equal, I believe the gentleman would be as much puzzled to find his maſter or ſervant, as others now may be to find his equal. 'Tis a little ſtrange he ſhould attempt to reaſon on a ſubject, of which he confeſſes, he could find no "ſatisfactory notices." But

he

he ſeems determined to flounder on thro' thick and thin, be his reaſonings " deſultory" or concluſive.

" The ancients (ſays he) have *tranſmitted* (for handed down; 'tis a wonder it had not been *tranſported)* to us nothing that is applicable to the ſtate of the modern colonies, becauſe the *relation* between theſe (and their mother ſtate ſhould have been added) is formed by *political compact*." *Brave!* " And the *condition* of each variant in their original and from each other." Better and better ſtill! If *condition* means the preſent ſtate, and I think it can mean nothing elſe, what a delectable piece of jargon does the cloſe of this period make! It amounts to this: " The preſent ſtate of each modern colony is variant in its original, and from each other." Be this as it may; if the *relation* of modern colonies to their mother ſtates, is founded on *political compact*, how came the gentleman to beat his brains to find out " their *natural relation abſtracted from compact or poſitive inſtitution?*" To what purpoſe he has done this, he tells us when he confeſſes he can find nothing " *ſatisfactory*" about it. Are not *natural* and meerly *political* or *civil relations* different things? Is it not a little jargonical and inconſiſtent, in one breath to talk of " inveſtigating the *true, natural, clearly defined* relation of the colonies to their mother ſtate, abſtracted from compact or poſitive inſtitution;" and in the next to affirm, that ſo far as relates to modern

colonies,

colonies, this relation depends, or " is founded on political compact?" Was there a natural relation between ancient ſtates and their colonies, and none between the modern ſtates and their colonies? Is not a " political compact," the ſame thing with a " poſitive inſtitution?" Is this " freeing a ſubject from embarraſſment?" Well might the gentleman " ſhun the walk of metaphyſics." I wiſh he had not ſo much avoided that of logic. He every where ſeems to conſider *power* and *duty* as correlates. Surely he ſhould be the laſt man to charge his adverſary with " vague and diffuſe talk of" thoſe levelling notions, " right and privileges." He bewilders himſelf for half a poor creeping page more, abruptly ſings a *requiem* to his ſweet ſoul, compoſes the ſurges of his " philoſophically inquiſitive mind," fatigued with its late flight after natural and political relations, and very gravely contents himſelf with conſidering the " colonies rights upon the footing of their charters." This foothold, by a new and bold figure in rhetoric, he calls " the only plain avenues that lead to the truth of this matter."

——" *facilis deſcenſus Averni.*"

The gentleman is at a loſs (page 8.) to " conceive how it comes to paſs that the colonies now claim *any other or greater* rights than are expreſly granted to them" by charter. Is the gentleman a Britiſh-born ſubject and a lawyer, and ignorant that charters from the crown

crown have uſually been given for enlarging the liberties and privileges of the grantees, not for limiting them, much leſs for curtailing thoſe eſſential rights which all his Majeſty's ſubjects are entitled to, by the laws of God and nature, as well as by the common law, and by the conſtitution of their country?

The diſtinction (page 8.) between perſonal and political rights, is a new invention, and, as applied, has perplexed the author of it. He every where confounds the terms rights, liberties and privileges, which, in legal as well as vulgar acceptation, denote very different ideas. This is a common miſtake with thoſe who cannot ſee any difference between power and right, between a blind ſlaviſh ſubmiſſion, and a loyal, generous and rational obedience, to the ſupreme authority of a ſtate.

The rights of men are, *natural* or *civil*. Both theſe are diviſible into *abſolute* and *relative*. The natural abſolute perſonal rights of individuals, are ſo far from being oppoſed to political or civil rights, that they are the very baſis of all municipal laws of any great value. "The abſolute rights of individuals, regarded by the municipal laws, compoſe what is called *political* or *civil liberty*." "The abſolute liberties of Engliſhmen, as frequently declared in parliament, are principally three. 1. The right of *perſonal* ſecurity, 2. perſonal *liberty*, and 3. private property." "Beſides theſe three *primary rights*, there are others which are *ſecondary* and *ſubordinate*, (to preſerve the former

from unlawful attacks). 1. The conſtitution or power of parliament. 2. The limitation of the King's perogative (and to vindicate them when actually violated). 3. The regular adminiſtration of juſtice. 4. The right of petitioning for redreſs of grievances. 5. The right of having and uſing arms for ſelf-defence." See Mr. Blackſtone's accurate and elegant analyſis of the laws of England. The gentleman ſeems to have taken this and ſome other of his diſtinctions from that excellent treatiſe very ill underſtood. The analyſis had given this general view of the *objects* of the laws of England. I. Rights of Perſon. II. Rights of Things. III. Private wrongs. IV. Public wrongs. Rights of perſons are divided into theſe, 1. of natural perſons; 2. of bodies politic or corporate, i. e. artificial perſons, or ſubordinate ſocieties. The rights of theſe are by the Letter-writer ſtrangely confounded with the political and civil rights of natural perſons. And becauſe corporate rights, ſo far as they depend upon charter, are matters of the meer favor and grace of the donor or founder; he thence infers (page 9.) That " the colonies have no rights independent of their charters," and that " they can claim no greater than thoſe give them." This is a contradiction to what he admitted in the preceding page, viz. That " by the common law every coloniſt hath a right to his life, liberty and property." And he was ſo vulgar as to call theſe the " ſubjects birth-right."

But

But what is this birth-right worth, if it depends meerly upon a colony charter, that, as he ſays rightly enough, may be taken away by the parliament? I wiſh the gentleman would anſwer theſe queſtions. Would he think an eſtate worth much, that might be taken from him at the pleaſure of another? Are charters from the crown uſually given for enlarging the liberties and privileges of the grantees, in conſideration of ſome ſpecial merit and ſervices done the ſtate, or would he have his readers conſider them like the ordinances of a French monarch, for limiting and curtailing thoſe rights which all Britons, and all Britiſh ſubjects, are intituled to by the laws of God and nature, as well as by the common law and the conſtitution of their country, ſo admirably built on the principles of the former? By which of theſe laws, in contradiſtinction to the other, are the rights of life, liberty, and eſtate, perſonal?

The gentleman's poſitions and principles, that "the ſeveral New-England charters aſcertain, define and limit the reſpective *rights* and privileges of each colony," and that "the colonies have no rights independent of their charter," and that "they can claim no greater than thoſe give them," if true, would afford a curious train of conſequences. Life, liberty and property, are, by the law of nature as well as by the common law, ſecured to the happy inhabitants of South-Britain, and conſtitute their *primary* civil or political rights. But in

the colonies, theſe and all other rights, according to our author, depend upon charter. Therefore thoſe of the colonies who have no charter, have no right to life, liberty or property. And in thoſe colonies who have charters, theſe invaluable bleſſings depend on the meer good will, grace and pleaſure of the ſupreme power; and all their charters, and of courſe all their rights, even to life, liberty and property, may be taken away at pleaſure. Thus every charter in England may be taken away; for they are but voluntary and gracious grants of the crown, of certain limited, local, political privileges, ſuperadded to thoſe of the common law. But would it be expedient to ſtrike ſuch a blow, without the moſt urgent neceſſity? "In all ſtates there is (and muſt be) an abſolute ſupreme power, to which the right of *legiſlation* belongs; and which by the ſingular conſtitution of theſe kingdoms is veſted in the King, Lords, and Commons *." Now Magna Charta is but a law of their making, and they may alter it at pleaſure; but does it thence follow, that it would be expedient to repeal every ſtatute from William the Conqueror, to this time? But by the gentleman's principles, this may be done wantonly, and without any reaſon at all. Further, by his logic the parliament may make the monarchy abſolute, or reduce it to a republic; both which would be contrary to the truſt repoſed in them by the conſtitution, which is to preſerve, not deſtroy it;

* Blackſtone.

it; and to this all are ſworn, from the King's Majeſty in his coronation oath, to the meaneſt ſubject in the oath of allegiance. Into ſuch abſurd and treaſonable doctrines muſt the gentleman run, in order to be conſiſtent. Nay, all the vagaries of Filmer, Manwaring and Sibthorp, and of the whole tribe of King Adam's ſubjects, will follow. As 1. That Adam was the firſt monarch of this earth. No Prince has a title to his crown but he who can prove himſelf to be the eldeſt heir male of the body of Adam. That all other Princes are uſurpers and tyrants. That according to Filmer, God hath given to every father over his children, and much more to every Prince over his ſubjects, a power "abſolute, arbitrary and unlimited, and unlimitable over the lives, liberties and eſtates of ſuch children and ſubjects; ſo that they may take or alienate their eſtates, ſell, caſtrate or uſe their perſons as he pleaſes, they being all his ſlaves, and the father or prince, lord proprietor of every thing, and his unbounded will their law." This is the ſubſtance of one of Mr. Locke's inferences from theſe words of Filmer; "God hath given to the father a right or liberty to alien his power over his children to any other; whence we find the ſale and gift of children to have been much in uſe in the beginning of the world, when men had their ſervants for a poſſeſſion and inheritance, as well as other goods (and chattels); whereupon we find the power of *caſtrating*, and making eunuchs (for ſinging

ſongs

ſongs like Lillibullero, &c.) much in uſe in old times." Obſ. 155. " Law is nothing elſe, but the will of him that hath the power of the *ſupreme* father." * Horrid blaſphemy! The Lord omnipotent reigneth, but to whom hath he committed his ſupreme power and authority? The Pope claims to be but Lord Lieutenant of Heaven, and before Sir Robert, none but the Devil ever had vanity or folly enough to contend for the whole power of the ſupreme Father. According to Filmer, and his followers, among which the Halifax gentleman is a cloſe imitator, " they that ſhed innocent blood, even the blood of their ſons and their daughters, whom they ſacrificed unto the idols of Canaan," did no more than they had a right to do. Upon ſuch principles Pharaoh was a pious virtuous Prince. And the drowning the infants in the Nile, was as juſtifiable a piece of preventive policy, as ſeizing the ſhips of the French without a declaration of war. The Philiſtine rulers too acted very commendably in depriving the Hebrews of the uſe of iron, it being very certain that any the moſt polite people, without the free uſe of this invaluable metal, would in one century return to the ſavage ſtate of the Indians. " If the example of what hath been done, ſays Mr. Locke, be the rule of what ought to be, hiſtory would have furniſhed our author with inſtances of this abſolute fatherly power in its height and perfection,

* Obſerv. p. 225.

perfection, and he might have ſhewed us in Peru, people that begot children, on purpoſe to fatten and eat them." Mr. Locke has recited a ſtory of this kind, ſo horrid, that I would, for the honor of the human ſpecies, think it incredible, and but the meer flight of imagination in *Gracilaſſo de Vega*; like Swift's propoſal to the people of Ireland, to fatten their children for ſale in Leaden-Hall market, as almoſt the only branch of commerce that would give no offence to the good people of England. See the ſtory cited by Mr. Locke in his treatiſe on government, Chap. II. and VI. The Filmerians often preach the principles of anarchy in one breath, and thoſe of deſpotiſm in another. The gentleman (page 9.) ſays, "The individuals of the coloniſts participate of every bleſſing the Engliſh conſtitution can give them." "As corporations created by the crown, they are confined within the primitive views of their inſtitution." "Whether therefore their *indulgence* is *liberal* or *ſcanty*, can be no cauſe of complaint; for when they accepted of their charters, they *tacitly* ſubmitted to the terms and conditions of them." This is admirable! To be ſure, a liberal indulgence could be no cauſe of complaint. I have heard of a ſcanty allowance, and it often happens in a tranſportation acroſs the Atlantic: but what is a *ſcanty indulgence?* I am in doubt under what ſpecies of Helleniſm to rank it. Is it Doric or Ionic? Attic I am ſure it is not. But at preſent I am content it ſhould paſs as

very good Engliſh, for a poor pittance of bread, water, ſtinking beef and coarſe clothes, inſtead of the roaſt beef of old England, praiſed and ſung by ſuch authors as delight in compoſitions like Lillibullero. Has a ſervant no reaſon to complain that his allowance is ſcanty, that he is half naked, and more than half ſtarved, while his leſs faithful and leſs loyal fellow-ſervant is well fed, plump, gay, and clothed in purple and ſcarlet and fine linen, faring ſumptuouſly every day, upon the ſpoils of his neighbour? But admitting the former has no right to complain, or utter a ſingle ſigh, the forced effect of "ſubmiſſive fear and mingled rage," I cannot for the heart of me conceive how he "participates of every bleſſing" of his fellow-ſervant; unleſs the gentleman will contend that half a loaf is equal to a whole one, and that *Martin* and *Jack* were really a couple of ſcoundrels, for denying that the cruſts Lord Peter would have palm'd upon them, were very good Banſtead-down mutton. That "the coloniſts do not hold their rights as a privilege granted them, nor enjoy them as a grace and favour beſtowed, but poſſeſs them as an inherent, indefeaſible right," as Mr. H--k--s very juſtly aſſerts, is a ſelf-evident propoſition, to every one in the leaſt verſed in the laws of nature and nations, or but moderately ſkilled in the common law, except the learned gentleman of Halifax. Even the King's writs are divided into thoſe which the ſubject hath a right to, *ex debito juſtitiæ*, and thoſe which depend

depend upon meer grace and favor. Theſe may be denied, the others cannot. The eſſential rights of Britiſh coloniſts ſtand on the ſame baſis with thoſe of their fellow-ſubjects of the ſame rank in any of the three kingdoms.

What the gentleman adds, viz. " that this poſtulatum of Mr. H--pk--s cannot be true, with regard to political rights," by which he evidently means the peculiar privileges of ſubordinate powers granted by charter, is (aſking his pardon) meer impertinence, and, in a gentleman of his ſenſe, could ariſe only from a certain ſet of prejudices having ſo far blinded him, as to make him confound the ideas of corporate ſubordinate privileges with eſſential, natural and civil rights, as is above moſt abundantly demonſtrated, and clearly appears from his own words; (page 10.) " The force of an act of parliament, over the colonies, is *predicated* upon the common law, the origin and baſis of all thoſe inherent *rights* and *privileges* which conſtitute the boaſt and felicity of a Briton." I wiſh he had ſaid the juſtly boaſted felicity of a Briton; becauſe, in that caſe, I ſhould not have ſuſpected him of a Filmerian ſneer in this place, which jealouſy his dogmas elſewhere will juſtify. The inherent, indefeaſible rights of the ſubject, ſo much derided and deſpiſed in other parts of the performance, are here admitted, in jeſt or in earneſt: I care not which. The origin of thoſe rights is in the law of nature and its author. This law is the grand baſis of the com-

mon law, and of all other municipal laws that are worth a ruſh. True it is, that every act of parliament, which names the colonies, or deſcribes them as by the words " plantations or dominions," binds them. But this is not ſo ſtrictly and properly ſpeaking by the common law, as by the law of nature, and by the conſtitution of a parliament, or ſovereign and ſupreme legiſlative, in a ſtate. 'Tis as true, that when the colonies are not named or deſcribed by an act of parliament, they are not bound by it.

What is the reaſon of all this? *Qui hæret in litera hæret in cortice.* Surely the bare naming of the colonies hath no magical charm or force in it. That the colonies ſhould be bound by acts of parliament wherein they are named, is an exception from a general rule or maxim. What is that rule or maxim? It is, that the colonies being ſeparate dominions, and at a diſtance from the realm, or mother ſtate, and in fact unrepreſented in parliament, ſhall be governed by laws of their own making; and unleſs named in acts of parliament, ſhall not be bound by them. *Quia non mittunt milites ad parliamentum*, ſays Lord Coke. Yet as a mark of, and to preſerve their dependency on, and ſubordination to, the mother ſtate, and to prevent *imperium in imperio*, the greateſt of all political ſoliciſms, the mother ſtate juſtly aſſerts the right and authority to bind her colonies, where ſhe really thinks the good of the whole requires it;

and

and of this ſhe remains the ſupreme judge, from whoſe final determination there is no appeal. The mother ſtate hath alſo an undoubted right to unite a colony to itſelf, and wholly to abrogate and annihilate all colony or ſubordinate legiſlation and adminiſtration, if ſuch alteration ſhall appear for the beſt intereſt of the whole community. But ſhould this be done needleſly and wantonly, and without allowing the colonies a repreſentation, the exerciſe of the power that would otherwiſe be juſt and equitable, would ceaſe to be diſtinguiſhed by thoſe amiable qualties. Should a mother ſtate even think it reaſonable to impoſe internal, as well as external taxes, on ſix millions of ſubjects in their remote dominions, without allowing them one voice, it would be matter of wonder and aſtoniſhment: But it could not be ſaid that the ſupreme legiſlative had exceeded the bounds of their power and authority; nor would this render a petition undutiful and ſeditious. Thoſe ſix millions muſt, on ſuch an event, unleſs blind, ſee themſelves reduced to the mortifying condition of meer cyphers and blanks in ſociety. Should all this ever happen to the Britiſh colonies, which God forbid, might it not be truly and ſafely affirmed that the repreſentation in the Houſe of Commons would be very unequal? The right of a ſupreme power in a ſtate to tax its colonies, is a thing that is clear and evident; and yet the mode of exerciſing that right may be queſtionable, in point of reaſon

and equity. It may be thought to be unequal and contrary to ſound policy, to exerciſe the right, clear as it is, without allowing a repreſentation to the colonies. And though a repreſentation would avail the colonies very little in this generation; yet, to poſterity, it might be an invaluable bleſſing. It may alſo, in future ages, be very beneficial to Great-Britain. Is it to be believed, that when a continent, of 3000 miles in length, ſhall have more inhabitants than there are at this day in Great-Britain, France and Ireland, perhaps in all Europe; they will be quite content with the bare name of Britiſh ſubjects, and, to the end of time, ſupinely acquieſce in laws made, as it may happen, againſt their intereſt by an aſſembly 3000 miles beyond ſea, and where, ſhould they agree in the ſentiments with the Halifax gentleman, it may be thought that an admiſſion of an American member would "ſully and defile the purity of the whole body?" One hundred years will give this continent more inhabitants, than there are in the three kingdoms.

Many great and good men have complained of the inequality of the repreſentation in Great-Britain. This inequality can never be a reaſon for making it more ſo; which however is the method of reaſoning adopted by the Halifax gentleman. At his rate, it would be juſt that half the counties and boroughs in Great-Britain, which now return members, ſhould be curtailed of their right. If ſo, why not half the remainder, and ſo on 'till the Houſe

of

of Commons will be reduced to a ſingle member, and when he was ſplit, one branch of the legiſlature would be annihilated. By a like proceſs, the Houſe of Lords, the ſecond branch of the legiſlature, might be deſtroyed. This would be a ſhorter cut to abſolute and unlimited monarchy, than ever Filmer was fortunate enough to invent. This brings us to the conſideration of the maxim, that "no Engliſhman can be taxed but by his own conſent, in perſon or by his repreſentative." "This dry maxim, taken in a literal ſenſe, and little underſtood *like* the ſong of *Lillibullero*, has made all the miſchief in the colonies," ſays the gentleman; (page 11.) I cannot conceive how this, or any other dry maxim, or the ſong of Lillibullero like it, well or ill underſtood, can make any miſchief in the colonies. What notable harm has the ſong of Lillibullero wrought in the colonies, or what like it has this "dry maxim" effected? "It is (ſays the gentleman, page 11.) the opinion of the Houſe of Commons, and *may* be conſidered as a law of parliament, that they are the Repreſentatives of every Britiſh ſubject whereſoever he be." *Feſtina lente domine!* This may be true in one ſenſe. The ſupreme legiſlative indeed repreſents the whole ſociety or community, as well the dominions as the realm; and this is the true reaſon why the dominions are juſtly bound by ſuch acts of parliament as name them. This is implied in the idea of a ſupreme ſovereign power; and if the parliament

ament had not ſuch authority, the colonies would be independent, which none but rebels, fools or madmen, will contend for. God forbid theſe colonies ſhould ever prove undutiful to their mother country! Whenever ſuch a day ſhall come, it will be the beginning of a terrible ſcene. Were theſe colonies left to themſelves, to-morrow, America would be a meer ſhambles of blood and confuſion, before little petty ſtates could be ſettled. How many millions muſt periſh in building up great empires? How many more muſt be ruined by their fall? Let any man reflect on the revolutions of government, ancient and modern, and he will think himſelf happy in being born here in the infancy of theſe ſettlements, and from his ſoul deprecate their once entertaining any ſentiments but thoſe of loyalty, patience, meekneſs and forbearance, under any hardſhips that in the courſe of time they may be ſubjected to. Theſe, as far as may be conſiſtent with the character of men and Chriſtians, muſt be ſubmitted to. If it is the opinion of the preſent honorable Houſe of Commons, that they in *fact repreſent* the colonies, it is more than I know. Should this be their opinion, the gentleman may, if he pleaſes, "conſider it is a law of parliament:" But I ſhould rather chuſe to conſider it only as the very reſpectable opinion of one branch of the ſupreme legiſlative. The opinion of the Houſe of Lords, and then, above all, the ſanction of the King's Majeſty muſt be ſuperadded, and the

concurrence

concurrence of both is abſolutely neceſſary to make any opinion of the Houſe of Commons an act or law of *parliament*. 'Tis humbly conceived, that it was not as repreſentatives in *fact* of the colonies, that the Houſe of Commons granted his Majeſty an external tax on the colonies, in the inſtance of the late act: Nor if before this time an act for granting internal taxes on the colonies ſhould be paſſed, could I conceive that the Houſe of Commons are our repreſentatives in fact. As one branch of the ſupreme legiſlative they have an undoubted right to originate any bills that by naming them ſhall bind the colonies when paſſed into an act; let it be for levying internal or exnal taxes, or for any other regulation that may appear needful: But I cannot find it affirmed or declared in one act of parliament, hiſtory or journal of parliamentary proceedings, nor in one Engliſh law book, that a Britiſh houſe of Commons are in *fact* the repreſentatives of all the plebeian ſubjects, without as well as within the *realm*. Lord Coke indeed ſays, that " the Houſe of Commons repreſent all the commons of *England*, electors and non-electors;" but he no where aſſerts that the Houſe of Commons in *fact* repreſent the provincials of Ireland and other dominions out of the *realm*. He ſays, however, the people of Ireland are not repreſented in the Engliſh parliament, and aſſigns that as the very reaſon why, in general, acts of parliament are confined to the realm. Though from the neceſ-

ſity

ſity of the thing, in ſeveral caſes, by naming them, the provinces are bound. In the *fourth inſtitute*, ſpeaking of the truly high and moſt honorable court on earth, and never more ſo than in the preſent ſtate of the Britiſh parliament and nation; his Lordſhip ſays, " This court conſiſteth of the King's Majeſty, ſitting there as in his royal political capacity, and of the three eſtates of the *realm*; viz. of the Lords Spiritual, Archbiſhops and Biſhops, being in number 24, who ſit there by ſucceſſion in reſpect of their counties, or baronies, parcel of their biſhopricks, which they hold alſo in their politic capacity; and every one of theſe, when any parliament is to be holden, ought, *ex debito juſtitiæ*, to have a ſummons. The Lords Temporal, Dukes, Marquiſſes, Earls, Viſcounts and Barons, who ſit there by reaſon of their dignities, which they hold by deſcent or creation, in number at this time 106, and likewiſe every one of theſe being of full age, ought to have a writ of ſummons *ex debito juſtitiæ*. The third eſtate is the *commons* of the *realm*, whereof there be knights of ſhires or counties, citizens of cities, and burgeſſes of burghs. All which are reſpectively elected by the ſhires or counties, cities and burghs, by force of the King's writ, *ex debito juſtitiæ*, and none of them ought to be omitted; and *theſe repreſent all the commons of the whole realm, and truſted for them, and are in number at this time* 493." —4. Inſt. 1.

Here is not one word of the Houſe of Commons repreſenting or being truſted by or for the provincials of Ireland, or the coloniſts in America. And though, in page 4 of the ſame Inſtitute, he ſays, " *in many caſes multitudes are bound by acts of parliament which are not parties to the election of knights, citizens, and burgeſſes, as all they that have no freehold, or have freehold in ancient demeſne, and all women having freehold or no freehold, and men within the age of twenty-one years &c.*"— This, &c. may be ſupplied with female infants, lunatics, ideots and bedlamites in general. Yet this will not prove that theſe non-electors are in *fact* repreſented, and in *fact* truſt the repreſentatives in the Houſe of Commons. In eſtimation of law they are juſtly deemed as repreſented. They have all fathers, brothers, friends or neighbours in the Houſe of Commons, and many *ladies* have huſbands there. Few of the members have any of theſe endearing ties to America. We are, as to any perſonal knowledge they have of us, as perfect ſtrangers to moſt of them, as the ſavages in *Calliformia*. But, according to our letter-writer, we are not only in *law* but in *deed* repreſented in the Houſe of Commons. How does he ſupport this? Why he has dreamt, that ſome one Houſe of Commons, in ſome former reign, once thought they were in *fact* our repreſentatives. That " the opinion of a Houſe of Commons is a law of parliament:" Therefore " 'tis determined by act of parliament,

ment, that we are, and ſhall believe we are in *fact* repreſented in the Houſe of Commons." Here is more logic. Suppoſe ſome future Houſe of Commons ſhould be of opinion, that they were the true and proper repreſentatives of all the common people upon the globe, would that make them ſo, and oblige all mankind to believe and ſubmit to it? Would a fiction of the common law of England ſatisfy the innumerable multitudes on the face of the whole earth, that they were in *fact* repreſented, and conſenting to all ſuch taxes and tributes as might be demanded of them? Will any man's calling himſelf my agent, repreſentative or truſtee, make him ſo in fact? At this rate a Houſe of Commons in one of the colonies have but to conceive an opinion that they repreſent all the common people of Great-Britain, and according to our author they would in *fact* repreſent them, and have a right to tax them. 'Tis ſtrange the gentleman can ſee no difference between a literal ſenſe of a fundamental principle or "dry maxim" as he calls it, and no ſenſe at all. Does it follow, becauſe it is "impracticable that each individual ſhould be in *fact* repreſented," that therefore there ſhould be no repreſentation at all, or a very unequal one? Becauſe the little inſignificant iſles of Jerſey, Guernſey, and Man, have never obtained a repreſentation, is it reaſonable that the whole kingdom of Ireland and the plantations ſhould be for ever excluded

from

from returning members to the Britiſh parliament, even ſhould the parliament impoſe external and internal taxes on them, and take from them every ſubordinate power of local legiſlation? If this would be equal and rational, why might not Wales have been excluded from returning members, why may they not be excluded now, and Devonſhire and Cornwall, and every other county and borough ſhare the ſame fate? Matter of fact is one thing, matter of right another. The people of a ſtate may in *fact* be very unequally repreſented; but few men would, like our author, in effect contend that it were beſt they ſhould not be repreſented at all. Has the gentleman forgot the maxim, "that equity is equality?" 'Tis hoped he will not conſider this as a levelling principle, as it has been more than once called. How aſtoniſhing is it, that the inſtances (page 12.) of the unequal repreſentation in Great-Britain, to which he might have added, thoſe of "ten Corniſh "barns, and an ale-houſe," ſhould be brought as an argument to prove, that "the right of being repreſented in parliament" is "an *Utopian privilege*," a "phantom," a "cloud in the ſhape of Juno?"—This is far from a fine compliment to the honorable Houſe of Commons, of which as one of the branches of the ſupreme legiſlative, and of the privilege of ſitting with them, it would have been more decent to have made a different choice of expreſſions. To atone for this indelicacy, the

next moment the pendulum vibrates as far the other way.

In page 13. the parliament is repreſented as ſo pure and perfect, that "*the beauty and ſymmetry of this body would be deſtroyed, and its purity defiled, by the unnatural mixture of repreſentatives from* every part of the Britiſh dominions." "Parthians, Medes, Elamites, and the dwellers of Meſopotamia, &c. *would not, in ſuch a caſe, ſpeak the ſame language.*" "What a heterogeneous council would this form?" "What a monſter in government would it be?" Let me add, was ever inſolence equal to this? Are the inhabitants of Britiſh America all a parcel of tranſported thieves, robbers and rebels, or deſcended from ſuch? Are the coloniſts blaſted lepers, whoſe company would infect the whole Houſe of Commons? There are ſome in the colonies who value themſelves on their deſcent. We have the names of *Tudor* and of *Stuart*, of *Howard*, *Seymor*, and of *Ruſſell*; who boaſt an unſullied deſcent from our ancient princes and nobles, or at leaſt claim the honor of being of the ſame blood. Can none of theſe be returned as members without breeding a plague in the houſe. If this writer is an European, his inſults upon the Britiſh colonies are quite unpardonable; if he be a native, he is an ungrateful parracide. Is he a venal hireling of a party? his employers on either ſide the Atlantic ſhould diſcard him as a meer Sir Martyn Marplot. Depend upon

it,

it, one ſuch letter as his, if known to breathe the ſentiments of the great, would tend more to diſguſt the colonies againſt the conduct of their ſuperiors, than a hundred thouſand ſuch pamphlets as the author ſcolds at. Parliaments are not only "as ancient as our Saxon anceſtors," but as old as the commonwealths of Iſrael, Greece and Rome*; nay, as old as the firſt compact for changing a ſimple democracy into any other form of government. "Attendance in parliament" is not therefore, as the gentleman conceives, a "duty ariſing from a tenure of lands, or the feudal ſyſtem," but from the nature of man, of ſociety, and of all original, juſt, ſocial and civil compacts for forming a ſtate. "So that the privilege of ſitting in it, i. e. in a parliament or grand council of a nation, is not "territorial," in the ſenſe of the letter-writer, nor in its nature confined to Great-Britain." What is there, what can there be, that ſhould naturally and neceſſarily confine the privilege of returning members, to the inhabitants of Great-Britain, more than to thoſe of London and Weſtminſter?

The gentleman (p. 14.) ſays, "the parliament may levy internal taxes, as well as regulate trade, there is no eſſential difference." By regulating trade, I ſuppoſe he means, according to the common ſophiſm, taxing trade. Even in this ſenſe, 'tis admitted the parliament have the ſame right to levy internal

* 4. Inſt 2, 3.

nal taxes on the colonies, as to regulate trade; and that the right of levying both, is undoubtedly in the parliament. Yet 'tis humbly conceived and hoped, that before the authority is fully exerted in either caſe, it will be thought to be but reaſonable and equitable, that the dominions ſhould be in *fact* repreſented. Elſe it will follow, that the provincials in Europe, Aſia, Africa and America, ought to all generations to content themſelves with having no more ſhare, weight or influence, even in the provincial government of their reſpective countries, than the Hotentots have in that of China, or the Ethiopians in that of Great-Britain.

I ſhould be glad to know how the gentleman came by his aſſurance, that "a ſtamp-duty is confeſſedly the moſt reaſonable and equitable that can be deviſed." (p. 14.) Some few may be of this opinion, and there never was a new invented tax or exciſe, but its favorors and partizans would highly extol, as the moſt juſt and equitable device imaginable. This is a trite game "at ways and means." But bold aſſertions will not paſs for clear proofs, with "philoſophically inquiſitive minds." "If the ſhaft is ſped," and the aim ſo good, I wonder the gentleman ſhould even faintly pretend to "deſire not to ſee a ſtamp-duty eſtabliſhed among us," or "wiſh to prevent the blow." Were I convinced, as he is, that it is reaſonable and beſt that the colonies ſhould be taxed by parliament, without

out being allowed a repreſentation; and that it is become not only neceſſary to levy internal taxes on them; but that the art of man could not deviſe ſo equitable and reaſonable a tax as a ſtamp-duty; I ſhould heartily pray for its eſtabliſhment.

The gentleman no where diſcovers his temper more plainly than in his compariſon of Greece and Rome, in their conduct towards their colonies. 'Tis well known the Grecians were kind, humane, juſt and generous towards theirs. 'Tis as notorious that the Romans were ſevere, cruel, brutal and barbarous towards theirs. I have ever pleaſed myſelf in thinking that Great-Britain, ſince the Revolution, might be juſtly compared to Greece, in its care and protection of its colonies. I alſo imagined that the French and Spaniards followed the Roman example. But our letter-writer tells us quite a different ſtory. He compliments the nation, and comforts the colonies, by declaring that theſe " exactly reſemble thoſe of Rome." " The *Roman Coloniae*," ſays he, " did not enjoy all the rights of Roman citizens." " They only *uſed* the Roman laws and religion, and ſerved in their legions; but had no right of ſuffrage, or bearing honours." " In theſe reſpects, adds he, our Engliſh colonies exactly reſemble them." " We enjoy the Engliſh laws and religion, but not the right of ſuffrage, or of bearing nonours in Great-Britain."

Is

Is this enjoying the rights, liberties and privileges of Britiſh-born ſubjects within the realm, to all intents, conſtructions and purpoſes? I find all this confirmed to the coloniſts, not only by the common law, and by their characters, but by act of parliament. Where does the gentleman find it decreed that the Britiſh "*Coloniae*" "have no right of bearing honours in Great-Britain?" Has not the King's majeſty, the fountain of honour, an undoubted right by his prerogative, to confer any rank he may be graciouſly pleaſed to beſtow on his American ſubjects, as well as on thoſe in Great-Britain? Cannot the word of a King as eaſily make even a Halifaxian letter-writer, or his Rhode-Iſland friend, a knight of the garter or thiſtle, as if either of them had been dropped and drawn their firſt breath in one of the three kingdoms?

The gentleman may in his anger wiſh for the laws of "Draco to be inforced on America," and, in his fierce anger, for the "iron rod of a Spaniſh inquiſitor." Theſe may be ſudden guſts of paſſion, without malice prepence, that only hurt his cauſe, and which his employers will not thank him for. But hard, very hard muſt his heart be, who could employ all his ſtock of learning in a deliberate attempt to reduce the rights of the coloniſts to the narrow bound of a bare permiſſion, to "uſe the Engliſh laws and religion without a ſuffrage in things ſacred or civil, and without a right to bear honours in Great-Britain,"

tain," " except that of being ſhot at for ſixpence a day, in her armies at home, as well as abroad." What is the Engliſh religion? Pray wherein does it differ from that of Scotland, Ireland, and the plantations? If it differs, and the colonies are obliged to *uſe* the religion of the metropolis on her embracing paganiſm, ſo muſt the colonies. Since the Revolution, all diſſenters, both at home and abroad, papiſts only excepted, have enjoyed a free and generous toleration. Would the gentleman deprive all proteſtant diſſenters of this invaluable bleſſing? If he is an American by birth, what does he deſerve of his country for attempting to realize, to this and to all future generations, the dreary proſpect of confinement to the uſe of the laws and religion of a region 3000 miles beyond ſea, in framing which laws, and in forming the modes of which religion, they ſhall have no voice nor ſuffrage; nor ſhall they have any preferment in church or ſtate, tho' they ſhall be taxed, without their conſent, to the ſupport of both?

——*aes triplex*
Circa pectus erat.——

The gentleman hath been at great pains in order to repreſent the merchants of America as a parcel of infamous ſmugglers. He ſays, " ſmuggling had well nigh become eſtabliſhed in ſome of the colonies." 'Tis notoriouſly known who have been the great abettors and patrons of ſmugglers, and who have ſhared the greateſt part of the profits. All the riot

at Epheſus proceeded from certain collectors of the revenues of Diana of the Epheſians; the ſhrine-makers and ſilver-ſmiths were but their tools. The craft was in danger, but if it had been only that of Demetrius and his journeymen, we might not have heard of that day's uproar. 'Tis a very unjuſt aſperſion to charge the American merchants, in general, with a deſign to elude and evade the acts of trade. I cannot ſo well tell how matters have been managed at Halifax or Rhode-Iſland; but in ſome other colonies, only a few favorites have been indulged in the lucrative crime of ſmuggling, which, after an eminent writer, the gentleman calls a crime "againſt the law of nature;" 'tis a wonder it had not been recorded from ſome old commentator, *crimen leſae Majeſtatis, high treaſon.* The like indulgence, as far as I can learn, has, in Rhode-Iſland, been confined alſo to a few choice friends. The article of Melaſſes is every where to be excepted. It was known at home, that the importation of this was univerſally tolerated, paying about one tenth of the duties impoſed by the old act. The connivance became very general.

I have peruſed Mr. H—k—s' book over and over, but cannot find the leaſt reflection on Dr. Spry, nor do I think any was intended. The Doctor perhaps may thank the gentleman for bringing his name into queſtion; but I doubt, notwithſtanding the gentleman's aſſertions to the contrary, whether the Doctor's "appoint-

ments place him above any kind of influence." I believe he is under the influence of honor and conſcience, a clear head, and a good heart, all which the gentleman ſeems too much a ſtranger to: And ſhould the Doctor alſo be under that influence, which flows from a general averſion, and contempt of flattery and falſehood, he muſt conceive an opinion of his Halifax neighbour, that will be very mortifying to one who hopes to make his court to the great, and to the Doctor among the reſt, by abuſing the colonies. The Doctor hath been in America ſome months, but I have not heard of one cauſe that has been tried before him. This is a tolerable proof, either that ſmuggling was not ſo common a thing as the letter-writer aſſerts, or that thoſe who uſed to be concerned in it, are reformed. I think it proves both.

In the 21ſt, and laſt page but one of the letter, the gentleman bethought himſelf, and having in a manner finiſhed his epiſtle, makes an apology for not following Mr. H--k--s "with ſomewhat more of method." His excuſe is, that "Mr. H--k--s hath not divided his argument with preciſion." He then formally proceeds to a curious, and, as he doubtleſs thought, preciſe diviſion of the argument. "The diſpute, ſays he, between Great-Britain and the colonies, conſiſts of two parts. Firſt, the juriſdiction of parliament: And ſecondly, the exerciſe of that juriſdiction: His Honour has blended theſe together, and no where marked the diviſion between them.

The firſt I have principally remarked upon." I know of no diſpute between Great-Britain and her colonies. Who is ſo hardy as to diſpute the Juriſdiction of the Parliament? But were there a thouſand diſputes between Great-Britain and the colonies; if the coloniſts in general were as the letter-writer repreſents them, "a ſimple, credulous, and hitherto loyal people," in danger of "having their minds embittered, and their affections alienated from Great-Britain, by a few pamphlets:" And if "from the pride of ſome, and ignorance of others, the cry againſt mother country had ſpread from colony to colony, and it were to be feared that prejudices and reſentments were kindled among them, which it would be difficult ever thoroughly to ſooth or extinguiſh;" all which inſinuations are however very injurious; what would this prove againſt "The Rights of Colonies examined," or any other of the pamphlets that have been lately publiſhed in America? Mr. H--k--s, pages 10 and 11 of his book, ſpeaking of the general concerns of the whole Britiſh empire, ſaith, "Theſe, it is abſolutely neceſſary, ſhould have a general power to direct them; ſome ſupreme and over-ruling authority, with power to make laws, and form regulations for the good of all, and to compel their execution and obſervation. It being neceſſary ſome ſuch general power ſhould exiſt ſomewhere, every man of the leaſt knowledge of the Britiſh conſtitution, will be naturally

turally led to look for, and find it in the parliament of Great-Britain; that grand and auguſt legiſlative body muſt, from the nature of their authority, and the neceſſity of the thing, be juſtly veſted with this power." Is not this a very clear admiſſion and acknowledgment of the juriſdiction, power, and authority of parliament over the colonies? What could put it into the gentleman's head to think the juriſdiction of the parliament was a matter in diſpute? I have peruſed a pamphlet publiſhed in Connecticut relating to their rights, but can find no queſtion made of the juriſdiction of the parliament. " The Rights of the Britiſh Colonies aſſerted and proved," I have alſo read. This was publiſhed before either Mr. H--k--s, or that from Connecticut. Theſe, ſo far as I can find, are all the pamphlets that have been publiſhed in America, upon the propoſed new regulations of the colonies. From the knowledge I have of the ſentiments of the " head of the *tribunitian veto*," as the gentleman is pleaſed to deſcribe him, I take upon me to declare, that I have heard him in the moſt public manner declare his ſubmiſſion to the authority of parliament; and that from his ſoul he deteſts and abhors the thought of making a queſtion of their juriſdiction.

The following paſſages from " The Rights of the Britiſh Colonies aſſerted and proved," may ſerve to ſhew how careful a hand the Halifax gentleman is at a matter of fact.

" I

" I alſo lay it down as one of the firſt principles from whence I intend to deduce the civil rights of the Britiſh colonies, that all of them are ſubject to, and dependent on, Great-Britain; and that therefore, as over ſubordinate governments, the parliament of Great-Britan has an undoubted power and lawful authority to make acts for the general good, that by naming them, ſhall and ought to be equally binding, as upon the ſubjects of Great-Britain within the realm." " When the parliament ſhall think fit to allow the coloniſts a repreſentation in the Houſe of Commons, the equity of their taxing the colonies will be as clear as their power is at preſent of doing it without, if they pleaſe." " No ſuch claim (i. e. of an independent legiſlative) was ever thought of by the coloniſts. They are all better men and better ſubjects; and many of them too well verſed in the laws of nature and nations, and the law and conſtitution of Great-Britain, to think they have a right to more than a *provincial ſubordinate legiſlative*. All power is of GOD. Next and only ſubordinate to him, in the preſent ſtate of the well-formed, beautiful conſtructed Britiſh monarchy, ſtanding where I hope it ever will ſtand, for the pillars are fixed in judgment, righteouſneſs and truth, is the King and Parliament." " From all which, it ſeems plain, that the reaſon why Ireland and the plantations are not bound, unleſs named by an act of parliament, is,

becauſe

becauſe they are *not repreſented* in the Britiſh parliament. Yet, in ſpecial caſes, the Britiſh parliament has an undoubted right, as well as power, to bind both by their acts. But whether this can be extended to an indefinite taxation of both, is the great queſtion. I conceive the ſpirit of the Britiſh conſtitution muſt make an exception of all taxes, until it is thought fit to unite a dominion to the realm. Such taxation muſt be conſidered either as uniting the dominions to the realm, or disfranchiſing them. If they are united, they will be intitled to a repreſentation, as well as Wales: If they are ſo taxed without a union, or repreſentation, they are ſo far disfranchiſed." " The ſum of my argument is, That civil government is of God: That the adminiſtrators of it were originally the whole people: That they might have devolved it on whom they pleaſed: That this devolution is fiduciary, for the good of the whole: That by the Britiſh conſtitution, this devolution is on the King, Lords and Commons, the ſupreme, ſacred and uncontroulable legiſlative power, not only in the realm, but thro' the dominions: That by the Abdication, the original compact was broken to pieces: That by the Revolution, it was renewed, and more firmly eſtabliſhed, and the rights and liberties of the ſubject, in all parts of the dominions, more fully explained and confirmed: That in conſequence of this eſtabliſhment, and the acts of ſucceſſion and union, his Majeſty GEORGE III.

is

is rightful king and ſovereign, and, with his parliament, the ſupreme legiſlative of Great-Britain, France and Ireland, and the dominions thereto belonging: That this conſtitution is the moſt free one, and by far the beſt, now exiſting on earth: That by this conſtitution, every man in the dominions is a free man: That no part of his Majeſty's dominions can be taxed without their conſent: That every part has a right to be repreſented in the ſupreme or ſome ſubordinate legiſlature: That the refuſal of this, would ſeem to be a contradiction in practice to the theory of the conſtitution: That the colonies are ſubordinate dominions, and are now in ſuch a ſtate, as to make it beſt for the good of the whole, that they ſhould not only be continued in the enjoyment of ſubordinate legiſlation, but be alſo repreſented, in ſome proportion to their number and eſtates, in the grand legiſlature of the nation: That this would firmly unite all parts of the Britiſh empire in the greateſt peace and proſperity, and render it invulnerable and perpetual." *Rights of the Britiſh colonies aſſerted and proved*, pages 32, 48, 59, 61, 64. Can the gentleman read theſe paſſages, and ſay they imply any queſtion of the power and authority of parliament? Will he not bluſh, when he reflects, that he hath indiſcriminately aſſerted, that theſe pamphlets " have a tendency to embitter the minds of a ſimple, credulous and hitherto loyal people, and to alienate their affecti-

affections from Great-Britain, their beſt friend and *alma mater?*" Can terms expreſſive of greater loyalty or ſubmiſſion to the juriſdiction and authority of parliament be conceived, than many that are to be found in thoſe pamphlets? Yet the gentleman has the effrontery to talk of the "frequent abuſe poured forth in pamphlets againſt the mother country," and laments that before his "not one filial pen in America had been drawn in her vindication." How grand we look! Are not his dragoons enough, but he muſt fight with his pen too? I believe he muſt be a man of parlous courage; and yet he is modeſt withal. He ſays he has "no ambition of appearing in print," though he is the only loyal ſubject his Majeſty has in his American dominions, and maſter of the only filial pen worth a button. If this is true, well might he call his countrymen a parcel of ſcoundrels, rebels, ſmugglers and traitors. I ſhall take leave of my gentleman, by deſiring him to reflect, in his cooler hours, and well conſider what would ſoon be his fate, if the Americans ſhould treat him as he moſt richly deſerves.

I too have ſeen, in all the pride of May,
A flaunting ſing-ſong genius toujour gay,
Whoſe life was one ſhort ſenſeleſs pretty dream,
Friſk on the margin of a mighty ſtream,
Till circling dances ſeize his tender brain:
He falls! he dies! alas a calf is ſlain! *

* "*Narciſſus*, in contemplating his own image, was turned into a daffodil. Who can think of this, and feel no

POSTSCRIPT.

SINCE the above ſheets were finiſhed, two or three pieces have been publiſhed in the Providence Gazette. The firſt of theſe hath furniſhed us with a clear and conciſe account of the ſeveral principal reaſonings and arguments upon the ſubject of internal taxes to be impoſed on the colonies by parliament, while they are unrepreſented in the Houſe of Commons. The ſum is,

1. That it is the inconteſtible right of the ſubject in Great-Britain, not to be taxed out of parliament; and every ſubject within the realm is in fact or in law repreſented there.

2. The Britiſh coloniſts being Britiſh ſubjects, are to all intents and purpoſes intitled to the rights, liberties and privileges of the ſubject within the realm, and ought to be repreſented, in fact as well as in law, in the ſupreme or ſome ſubordinate legiſlature, where they are taxed; elſe they will be deprived of one of the moſt eſſential rights of a Britiſh ſubject, namely,

pity for the pride and weakneſs of *man that is born of a woman?*"

" So have I ſeen, on ſome bright ſummer's day,
" A calf of genius debonnair and gay,
" Dance on the brink, as if inſpired by fame,
" Fond of the pretty fellow in the ſtream."

Four Lines of Dr. Young, very modeſtly applied to Governor H--k--s, in the 5th page of the Letter from Halifax, as above cited, with the Alluſion to *Narciſſus*.

namely, that of being free from all taxes, but ſuch as he ſhall, by himſelf or repreſentative, grant and aſſeſs.

3. As the colonies have been erected into ſubordinate dependent dominions, with ſubordinate powers of legiſlation; particularly that of levying taxes for the ſupport of their reſpective ſubordinate governments, and at their own expence; have not only ſupported the civil provincial adminiſtration, but many of them have, to their utmoſt ability, contributed both in men and money for the common cauſe, as well as for their more immediate defence againſt his Majeſty's enemies, it ſhould ſeem very hard that they ſhould be taxed alſo by parliament, and that before they are allowed a repreſentation in fact, and while they are quite unable to pay ſuch additional taxes.

4. The immenſe commercial advantages reſulting to Great-Britain from her plantations, the revenues thence ariſing to the crown, the taxes we pay by the conſumption of an infinity of Britiſh manufactures, may be thought a reaſonable return for the protection received, as 'tis really all that at preſent is in our power to yield.

5. If the colonies could and ought to yield greater aids towards the national expence, yet it ſhould ſeem but reaſonable either to allow them, 1. To raiſe ſuch further ſums as may be required, by taxing themſelves in the moſt eaſy way and manner their ſeveral provincial legiſlatures could deviſe. Or, 2. at leaſt to

allow them a repreſentation in the Houſe of Commons. This, with ſome animadverſions on the preſent ſtate of commerce, with the extenſion and enlargement of the admiralty juriſdiction in America, is the ſubſtance of all that has ſo much incenſed the Halifax gentleman. Governor H--k--s hath no where ſaid that " the colonies have rights independent of, and not controulable by, the authority of parliament." *See Providence Gazette, Feb.* 16.

According to the gentleman, " it will follow that we may enjoy *perſonal* liberty, and yet be ſlaves in a *political ſenſe*; and ſo, *vice verſa*, we may be *perſonally ſlaves*, and yet have a political right to liberty. Life, liberty and eſtate being perſonal rights, are (by the gentleman admitted to be) ſecured to us by the common law. I do not remember to have heard that the colonies ever contended for more; and yet (by this perſonal and political diſtinction) our eſtates may be taken away from us againſt our conſent, without any violation of our perſonal right; and all this for want of a *political* right."

Povidence Gazette, Feb. 16. 1765.

" The gentleman confidently maintains that acts of parliament derive their force from the common law; and for that reaſon he ſays, they are obligatory on the colonies. I aſk him, how it is poſſible that the parliamentary power, which controuls, alters and amends the common law at will, can derive its ſupport from the common law?"

Providence,

Providence Gazette, February 23.

The power and authority of parliament is from the conſtitution, and above all other laws, but thoſe of God and nature.

" There may be a natural relation between two ſubjects that exiſt by nature; but mother country and colony exiſt only by policy, and may, and no doubt have a political relation to each other; but can have no natural one."

Providence Gazette, March 2.

This remark is ingenious, and the manner in which 'tis elucidated is diverting; but I fear 'tis not ſolid. There is nonſenſe and contradiction enough of all conſcience in the Halifax gentleman's attempt to inveſtigate the " natural relation between colonies and their mother ſtate," without denying the exiſtence of ſuch a relation. Our allegiance is natural, and if this be admitted of each individual in a colony, as it muſt be, it would be ſtrange to deny a natural relation between two whole bodies, between all the reſpective parts of which a natural relation is admitted. Society is certainly natural, and exiſts prior to, and independent of any form of civil policy, always excepting family ſocieties and ſimple democracies. As there is a natural relation between father and ſon, ſo is there between their two families; and ſo is there between a mother-ſtate or metropolis, and its colonies. The natural relation between two independent ſtates or ſocieties, is the baſis of the law of nations; and all its obligations are thence deduceable.

duceable. It would be ſtrange that a natural relation ſhould ſubſiſt between two neighbouring ſtates, and none be between a metropolis and a colony. I can ſee no abſurdity in ſuppoſing both natural and political relations to ſubſiſt between a mother ſtate and its colonies, any more than ſuppoſing two qualities in one and the ſame ſubject. The ſame man may be choloric and humane, another is calm and inveterate. The ſame two men may be father and ſon, fellow-men, fellow-ſubjects, fellow-citizens, and brother-aldermen. Political relations are but modifications of thoſe which are founded in nature, and from whence riſe duties of univerſal obligation.

I cannot ſuppreſs all my indignation at a remark in the cloſe of the Halifax letter, which ſhould have been taken notice of before, but it eſcaped me. "It may become neceſſary for the ſupreme legiſlature of the nation to frame ſome code, (and canons might have been as properly added) and therein adjuſt the rights of the colonies, with preciſion and certainty, otherwiſe Great-Britain will always be teazed with new claims about liberty and privileges." Page 22.

If I miſtake not, there is, in the air of this period, the quinteſſence of a meer martial legiſlator; the inſolence of a haughty and imperious miniſter; the indolence and half thought of a petit maitre; the flutter of a coxcomb; the pedantry of a quack, and the nonſenſe of a pettifogger. A ſtrange gallimaufry

maufry this: but I am not anſwerable for it, or for any other of the exhibitions of a monſter monger. We want no foreign codes, nor canons here. The common law is our birthright; and the rights and privileges confirmed and ſecured to us by the Britiſh conſtitution, and by act of parliament, are our beſt inheritance. Codes, pandects, novels, decretals of Popes, and the inventions of the D---l, may ſuit the cold bleak regions of Brandenburgh and Pruſſia, or the ſcorching heats of Jamaica or Gambia; but we live in a more temperate climate, and ſhall reſt content with the laws, cuſtoms and uſages of our anceſtors, bravely ſupported and defended with the monarchy, and from age to age handed down. Theſe have, and ever will finally triumph over the whims of political and religious Enthuſiaſts; the extremes of which are libertiniſm and deſpotiſm, anarchy and tyranny, ſpiritual and temporal, from all which may God ever preſerve us. I muſt recommend it to the Halifax gentleman, before he publiſhes any more epiſtles, diligently to read over Swift's *Tale of a Tub*, and to take ſpecial note of Lord Peter's method of reaſoning with his brethren. He will there find all the forms of ſyllogiſm, from the *ſorites* to the categoric. Of the laſt form, he will find this, to prove that a little learning puffeth little men up.

" Words are but wind,
Learning is nothing but words,
Ergo. Learning is nothing but wind."

Of

36565

Of the former kind of argumentation, he will find a ſpecies he ſeems to be peculiarly fond of.

" In the midſt of all this clutter and revolution, in comes Lord Peter, with a file of dragoons at his heels, and gathering from all hands what was in the wind, he and his gang, after ſeveral millions of ſcurrilities and curſes, not very important here to repeat, by main force, very fairly kicks them (Martin and Jack) both out of doors, and would never let them come under his roof, from that day to this."

Tale of a Tub. p. 79. 104.

F I N I S.

D769
088V2

11. AMERICANA. A Vindication of the British Colonies. Published by Mr. Otis, at Boston, in the Summer of the Year 1765. 8vo, newly bound in half sprinkled calf.

Lond. 1769

* ORIGINAL ISSUE—an interesting contribution to Revolutionary Literature.